

### **III. REMARKS**

Claim 5 has been amended so that there is now a proper antecedent basis. Thus it is no longer objectionable.

The claims have been amended to recite that the claimed invention relates to maintaining an application level data transmission system connection and that an application level time-out counter is reset.

Claims 1-4, 6-8, 10-14, 16-19, 21-22, and 24 are not unpatentable under 35 U.S.C. 103(a) over Frid.

The claimed invention is concerned with the problem of cutting off a first data transmission connection during a second data transmission connection (see page 5, lines 1-4). To solve this problem, the claimed invention establishes an application level data transmission connection and resets an application level time-out counter. This is not disclosed or suggested by Frid.

Frid is concerned with the totally different problem of how to speed up the re-establishment of a packet-switched (PS) bearer service after interruption by a circuit switched (CS) connection (see col.2, ll. 62-63). It solves this problem by storing its parameters in both the terminal and the network (NW) side. After the CS connection is completed, the PS bearer is re-established using the stored information (col. 3, ll. 1-3) so that the parameters do not need to be renegotiated between the end points (col.3, ll.23-26; col. 8, 23-28). As stated above, the present application addresses the problem of application-level timeout during the interrupted PS bearer connection. Optimizing the re-establishment of the PS bearer is not a goal of the claimed invention. Thus, it is not obvious to use Frid to solve the problems solved by the claimed invention.

Even if Frid is somehow considered relevant, it does not disclose the claimed

invention. On page 4, second and third full paragraphs, of the Office Action, the Examiner argues that since Frid mentions the problem of time-out, it is obvious to have timers or counters. However, no timer or counter is disclosed in Frid, and certainly there is no disclosure of the claimed application level counter.

Specifically, the mere fact that Frid mentions the problem of application level time-out does not imply that Frid would also reset application level timers before interrupting the PS bearer. Regarding the PS bearer, it will continuously have traffic whereas the application level connection may only very intermittently have traffic. The application level connection may be maintained by sending a "heartbeat" packet every 5 minutes or so, if there is no other application level traffic (provided that the PS bearer exists). In Frid, resetting a counter in conjunction with interrupting the PS bearer would be unnecessary, since a possible time-out counter would have recently been reset with the latest packet. Therefore, there would have been no benefit achieved by resetting a timer in Frid. It is submitted that Frid is totally silent about resetting application level timers before interrupting the PS bearer. If there were some benefit gained through that and the resetting would have been obvious (as the Examiner argues), then Frid should at least mention the resetting and the benefits gained.

In summary, since Frid is for a totally different problem than that solved by the claimed invention, it is irrelevant to the claimed invention, i.e., one of ordinary skill in the art would not look to it to solve the problem solved by the claimed invention. Also, there is no disclosure or suggestion of either of the claimed limitations of maintaining an application level data transmission connection nor resetting an application level time-out counter.

Hence the rejection of the above-recited claims should be withdrawn.

Claims 5, 15 and 20 are not unpatentable under 35 U.S.C. 103(a) over Frid in view of Chen.

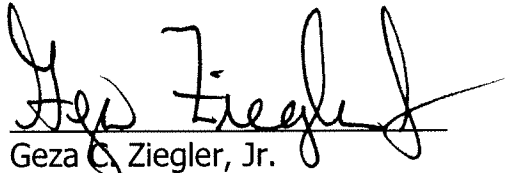
While it is true that Chen pertains to a mobile terminal placing a first connection on hold while initiating a second connection as stated by the Examiner on page 8, forth paragraph of the Office Action, it is also true that it has nothing to do with the interruption problem. Chen discusses only circuit switched call signalling. In the first place, there is a two-party telephone call, whereby Chen provides a solution to how to add a third party to an existing two party telephone conversation (col. 6, lines 15-63). Even then, all the terminals in Chen have only one active connection instead of two connections. Chen does not even mention a data connection. Thus, a skilled man has no motivation combine Chen with Frid. Even if nevertheless combined, such a combination would not give a skilled man any disclosure of an application level data transmission connection or resetting an application level counter as recited in the independent claims. Hence, even if Chen is combined with Frid, the result is not the claimed invention.

Thus the rejection of claims 5, 15 and 20 should also be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza Ziegler, Jr.

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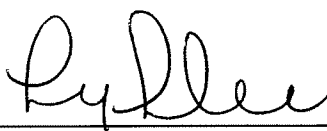
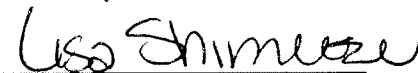
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